

To: O'Lone, Mary[OLone.Mary@epa.gov]
From: Marianne Engelman Lado
Sent: Tue 5/31/2016 9:35:34 PM
Subject: RE: Supplement to the Record, Administrative Complaint 11R-14-R4

Thanks.

From: O'Lone, Mary [mailto:OLone.Mary@epa.gov]
Sent: Tuesday, May 31, 2016 5:30 PM
To: Marianne Engelman Lado
Subject: RE: Supplement to the Record, Administrative Complaint 11R-14-R4

We have that time on the 7th blocked off on our calendars now.

If that doesn't work, really, whatever works for him.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Marianne Engelman Lado [mailto:mengelmanlado@earthjustice.org]
Sent: Tuesday, May 31, 2016 5:14 PM
To: O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: Supplement to the Record, Administrative Complaint 11R-14-R4

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Ex. 6, 7c - Personal Privacy

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Best,

Marianne

From: O'Lone, Mary [<mailto:OLone.Mary@epa.gov>]

Sent: Tuesday, May 31, 2016 2:52 PM

To: Marianne Engelman Lado

Subject: RE: Supplement to the Record, Administrative Complaint 11R-14-R4

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Sent: Thursday, May 26, 2016 7:06 PM

To: 'Marianne Engelman Lado' <mengelmanlado@earthjustice.org>; Farrell, Ericka <Farrell.Ericka@epa.gov>

Cc: Haddix, Elizabeth McLaughlin (emclaugh@email.unc.edu) <emclaugh@email.unc.edu>; Ducharme, Brent <ducharme@email.unc.edu>; Alexis Andiman <aandiman@earthjustice.org>; Johnson, Johahna <Johnson.Johahna@epa.gov>

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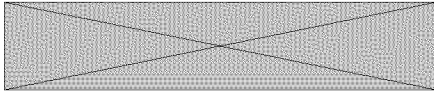
48 Wall Street, 19th Floor

New York, NY 10005

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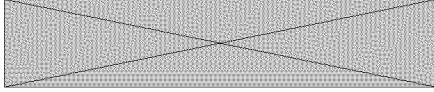
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Cc: Farrell, Ericka[Farrell.Ericka@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]; Johnson, Johanna[Johnson.Johanna@epa.gov]; Alexis Andiman[aandiman@earthjustice.org]; Elizabeth McLaughlin Haddix[emclaugh@email.unc.edu]; Brent Ducharme[ducharme@email.unc.edu]
To: O'Lone, Mary[olone.mary@epa.gov]
From: Marianne Lado
Sent: Wed 5/11/2016 2:17:45 AM
Subject: Re: This Week

;;;Mary,
Thanks for the note.

Dr. Johnston has expressed her willingness to talk about issues related to the study in the future but is not prepared to talk about them tomorrow. We had discussed her availability tomorrow to answer questions about the disparities analysis and, of course, you should feel free to ask about her expertise. We would be happy to set up another time as early as next week to discuss research on adverse impacts related to CAFOs.

Thanks again.

Marianne

On May 10, 2016, at 6:17 PM, O'Lone, Mary <OLone.Mary@epa.gov> wrote:

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Mary and Ericka,

Ex. 6 - Personal Privacy this week and we will not be able to go forward with the interview on Friday.

I look forward to the conversation with Dr. Johnston.

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Sent: Tue 5/31/2016 8:10:24 PM
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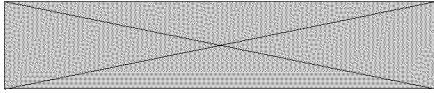
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Best,

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Sent: Tuesday, May 31, 2016 12:31 PM
To: Marianne Engelman Lado
Subject: FW: Supplement to the Record, Administrative Complaint 11R-14-R4

Marianne-

In response to your email a few minutes ago. I think you may have missed this one from me asking whether an earlier date & time would be possible for Dr. Wing. If not, just let me know & I will get it set up for the 15th or 16th.

Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: O'Lone, Mary
Sent: Thursday, May 26, 2016 7:06 PM
To: 'Marianne Engelman Lado' <mengelmanlado@earthjustice.org>; Farrell, Ericka <Farrell.Ericka@epa.gov>

Cc: Haddix, Elizabeth McLaughlin (emclaugh@email.unc.edu) <emclaugh@email.unc.edu>;
Ducharme, Brent <ducharme@email.unc.edu>; Alexis Andiman <aandiman@earthjustice.org>;
Johnson, Johahna <Johnson.Johahna@epa.gov>

Subject: RE: Supplement to the Record, Administrative Complaint 11R-14-R4

Marianne-

I should have mentioned in my first email that we are so

Ex. 6 - Personal Privacy

Ex. 6, 7c - Personal Privacy

news.

to speak with us. That is wonderful

I hate to ask this, but is it at all possible he would be able to speak with us on June 14th or earlier? I will be out of the office for an extended period of time starting on the 15th.

If it is not possible, we will set it for one of the dates & times you have sent. Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Marianne Engelman Lado [<mailto:mengelmanlado@earthjustice.org>]

Sent: Thursday, May 26, 2016 12:13 PM

To: Farrell, Ericka <Farrell.Ericka@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>

Cc: Haddix, Elizabeth McLaughlin (emclaugh@email.unc.edu) <emclaugh@email.unc.edu>;

Ducharme, Brent <ducharme@email.unc.edu>; Alexis Andiman <aandiman@earthjustice.org>

Subject: Supplement to the Record, Administrative Complaint 11R-14-R4

Dear Mary and Ericka,

This email and attachments are intended both to supplement the record in Administrative Complaint 11R-14-R4 filed on behalf of North Carolina Environmental Justice Network (NCEJN), Rural Empowerment Association for Community Help (REACH) and Waterkeeper Alliance against the North Carolina Department of Environment and Natural Resources, now the Department of Environmental Quality (DEQ) and, also, to follow up on the interview conducted by the Office of Civil Rights (OCR) on May 11, 2016 with Dr. Jill Johnston. In addition, I'm pleased to let you know that **Ex. 6 - Personal Privacy** and has indicated that he would be willing to schedule an interview with OCR. In order to avoid any confusion about materials previously submitted by complainants related to Dr. Wing's work and expertise, we are attaching Dr. Wing's c.v., the original and updated disparities analyses that he co-authored with Dr. Johnston, Dr. Wing's declaration, and Exhibits 2, 50, 52 and 53 to the complaint, each of which were authored or co-authored by Dr. Wing.

With the goal of moving forward in a timely way, I have touched base with Dr. Wing on his availability and am hoping that one of the following times might be convenient for you:

Wednesday, June 15, any time between 9 and noon

Thursday, June 16, from 3-5

In follow up to Dr. Johnston's interview and to supplement the record, attached please find the final published version of Guidry, et al., "Hydrogen Sulfide Concentrations at Three Middle Schools Near Industrial Livestock Facilities," published in the Journal of Exposure Science and Environmental Epidemiology (2016), as well as a paper discussed by Dr. Johnston during the interview, Johnston, et al., "Wastewater Disposal Wells, Fracking, and Environmental Injustice in Southern Texas, published in the American Journal of Public Health (2016) (analyzing racial composition of residents living less than 5 kilometers from disposal wells using a similar approach to the disparities analysis conducted by Drs. Wing and Johnston and submitted by complainants in this case).

We will send additional material in follow up to the interview by separate cover. In addition, we

understand that you had hoped to send Dr. Johnston a list of paragraphs in the complaint that she might review to determine whether the characterizations in the complaint are consistent with the findings of the disparities analyses. We await this follow up as well.

Please let me know if this email raises any question. I look forward to hearing back from you regarding a date and time for an interview with Dr. Wing. We can then also discuss the timing for any additional follow up interview with Dr. Johnston.

Thanks again,

Marianne

Marianne Engelman Lado

Senior Staff Attorney

Earthjustice

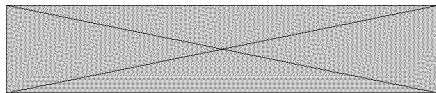
48 Wall Street, 19th Floor

New York, NY 10005

T: 212.845.7393

F: 212.918.1556

earthjustice.org



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If you are not the intended recipient, any dissemination, distribution or copying is strictly prohibited.

If you think that you have received this email message in error, please notify the sender by reply email and

delete the message and any attachments.

To: Marianne Engelman Lado[mengelmanlado@earthjustice.org]
From: O'Lone, Mary
Sent: Tue 5/31/2016 6:35:40 PM
Subject: RE: Supplement to the Record, Administrative Complaint 11R-14-R4

Let me check.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Marianne Engelman Lado [mailto:mengelmanlado@earthjustice.org]
Sent: Tuesday, May 31, 2016 12:56 PM
To: O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: Supplement to the Record, Administrative Complaint 11R-14-R4

Sorry: I didn't see that email.

There's an off chance that we might be able to do it on Tuesday, June 7th from 12-2. Would that work for you? Let me know and I can circle back to Dr. Wing and go-counsel to see if we can confirm. That was our back-up date but now that it's only a week away, I'm not sure if it's still available.

Best,

Marianne

From: O'Lone, Mary [<mailto:OLone.Mary@epa.gov>]
Sent: Tuesday, May 31, 2016 12:31 PM
To: Marianne Engelman Lado
Subject: FW: Supplement to the Record, Administrative Complaint 11R-14-R4

Marianne-

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Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: O'Lone, Mary
Sent: Thursday, May 26, 2016 7:06 PM
To: 'Marianne Engelman Lado' <mengelmanlado@earthjustice.org>; Farrell, Ericka <Farrell.Ericka@epa.gov>
Cc: Haddix, Elizabeth McLaughlin (emclaugh@email.unc.edu) <emclaugh@email.unc.edu>; Ducharme, Brent <ducharme@email.unc.edu>; Alexis Andiman <aandiman@earthjustice.org>; Johnson, Johahna <Johnson.Johahna@epa.gov>
Subject: RE: Supplement to the Record, Administrative Complaint 11R-14-R4

Marianne-

I should have mentioned in my first email that we are so pleased **Ex. 6 - Personal Privacy**
Ex. 6, 7c - Personal Privacy to speak with us. That is wonderful news.

I hate to ask this, but is it at all possible he would be able to speak with us on June 14th or earlier? I will be out of the office for an extended period of time starting on the 15th.

If it is not possible, we will set it for one of the dates & times you have sent. Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Marianne Engelman Lado [<mailto:mengelmanlado@earthjustice.org>]

Sent: Thursday, May 26, 2016 12:13 PM

To: Farrell, Ericka <Farrell.Ericka@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>

Cc: Haddix, Elizabeth McLaughlin (emclaugh@email.unc.edu) <emclaugh@email.unc.edu>;
Ducharme, Brent <ducharme@email.unc.edu>; Alexis Andiman <aandiman@earthjustice.org>

Subject: Supplement to the Record, Administrative Complaint 11R-14-R4

Dear Mary and Ericka,

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We will send additional material in follow up to the interview by separate cover. In addition, we understand that you had hoped to send Dr. Johnston a list of paragraphs in the complaint that she might review to determine whether the characterizations in the complaint are consistent with the findings of the disparities analyses. We await this follow up as well.

Please let me know if this email raises any question. I look forward to hearing back from you

regarding a date and time for an interview with Dr. Wing. We can then also discuss the timing for any additional follow up interview with Dr. Johnston.

Thanks again,

Marianne

Marianne Engelman Lado

Senior Staff Attorney

Earthjustice

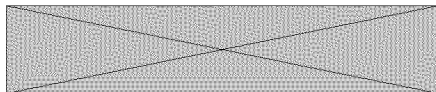
48 Wall Street, 19th Floor

New York, NY 10005

T: 212.845.7393

F: 212.918.1556

earthjustice.org



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If you think that you have received this email message in error, please notify the sender by reply email and

delete the message and any attachments.

To: Johnson, Johahna[Johnson.Johahna@epa.gov]
From: O'Lone, Mary
Sent: Mon 3/7/2016 4:52:47 PM
Subject: Fw: EPA OCR Complaint 11R-14-R4 (ADR)
REACH prelim case management plan 2.26.15.docx
REACH prelim case management plan Dayna to Gwen 2 5 15.docx

Johahna-

FYI, so you can catch up to where we are today.
I sent an email to DOJ giving them a heads up. They were involved before ADR started & expressed an interest in it just last week.

Ericka did respond that the tolling letter went out. The 180 day clock restarts today.

Ex. 6 - Personal Privacy

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: O'Lone, Mary
Sent: Monday, March 7, 2016 11:39 AM
To: Covington, Jeryl; Farrell, Ericka
Subject: Re: EPA OCR Complaint 11R-14-R4 (ADR)

Ex. 5 - Deliberative Process/Atty Client

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: Covington, Jeryl
Sent: Monday, March 7, 2016 11:27 AM
To: O'Lone, Mary; Farrell, Ericka
Subject: RE: EPA OCR Complaint 11R-14-R4 (ADR)

Applications are crop and soil dependent.

The volume of waste is constant and depends on the number of heads and the stage of the animal growth. Not all farmers manage the animals through the entire growth period through finishing process.

The lagoons are designed to manage up to six (6) and eight (8) months of waste (with freeboard). However, the capacities fluctuate as waste is needed for application. Waste is not applied to the fields prior to harvesting; based on the crop type, this period will vary.

FYI: By-the-way, the processing is on-going and more than likely the spike for processing for the holiday has probably passed.

-----Original Message-----

From: O'Lone, Mary
Sent: Monday, March 07, 2016 11:18 AM
To: Covington, Jeryl <Covington.Jeryl@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>
Subject: Re: EPA OCR Complaint 11R-14-R4 (ADR)

In your experience in NC -- when are we talking about.
Is it relatively soon and going for the next few months?

Are hams a big Easter dish? Just wondering if that influences the movement of hogs or if that has already happened (i.e., the slaughtering for the most part has already been done).

If so, we might consider a quick trip down there. Something to think about.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: Covington, Jeryl
Sent: Monday, March 7, 2016 11:12 AM
To: O'Lone, Mary; Farrell, Ericka
Subject: RE: EPA OCR Complaint 11R-14-R4 (ADR)

Odors from waste lagoons occur when the operators agitated the stored waste (rotary mixing) before field application. The field application loads and sequencing are determined by the type of crop and associated nutrient uptake. Additionally, some fields may require rehabilitation due to nutrient deprivation over the course of the agricultural usage; so, multiple applications and/or other supplementary fertilizers may be integrated in the rehabilitation process also. The season for such may be in process as soon as the soils can uptake the nutrients and ground temperatures are above freezing for a number of consecutive days.

-----Original Message-----

From: O'Lone, Mary
Sent: Monday, March 07, 2016 10:57 AM
To: Farrell, Ericka <Farrell.Ericka@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>
Subject: Fw: EPA OCR Complaint 11R-14-R4 (ADR)

Okey dokey.

Let's talk ASAP.

I will see if we can get Will to talk with us as well.

The tolling letter went out, correct?

Just want to make sure we have the record that the Feb. 20, 2015 date is not when the 180 day clock starts.

Jeryl-

When is the optimal time for odor again?

I thought it was now or soon when the weather arms up, etc.

Also, Julia flagged that the show Vice on HBO had an episode on NC CAFOs this past week. I was going to try to find it on Amazon at some point, but now maybe sooner.

Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: Covington, Jeryl
Sent: Monday, March 7, 2016 10:40 AM
To: O'Lone, Mary; Golightly-Howell, Velveta; Dorka, Lilian; Wooden-Aguilar, Helena; Temple, Kurt; Packard, Elise; Rhodes, Julia; Farrell, Ericka
Cc: Whickum, Cheryl

Subject: RE: EPA OCR Complaint 11R-14-R4 (ADR)

Ms. Whickum is scheduling the meeting to discuss next steps.

P.S. The case manager for REACH is Ericka Farrell; I am serving as the technical staff on this investigation.

-----Original Message-----

From: O'Lone, Mary

Sent: Monday, March 07, 2016 10:39 AM

To: Golightly-Howell, Velveta <Golightly-Howell.Velveta@epa.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>; Wooden-Aguilar, Helena <Wooden-Aguilar.Helena@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>

Cc: Covington, Jeryl <Covington.Jeryl@epa.gov>; Whickum, Cheryl <Whickum.Cheryl@epa.gov>

Subject: Re: EPA OCR Complaint 11R-14-R4 (ADR)

Velveta-

Oh no, I am so sorry to hear the ADR has failed.

I will work with Jeryl (who is both acting AD this week & Case manager) to prepare for a meeting.

FYI. I am out this Friday at training.

Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: Golightly-Howell, Velveta

Sent: Monday, March 7, 2016 9:43 AM

To: Dorka, Lilian; Wooden-Aguilar, Helena; Temple, Kurt; Packard, Elise; Rhodes, Julia; Farrell, Ericka; O'Lone, Mary

Cc: Covington, Jeryl; Whickum, Cheryl

Subject: FW: EPA OCR Complaint 11R-14-R4 (ADR)

FYI. A case discussion is needed to determine next steps. As Case Manager, would you please contact Ms. Whickum to coordinate it?

Velveta

Velveta Golightly-Howell
Director, Office of Civil Rights
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.

Mail Code 1201A
Washington, DC 20460
202-564-7272

-----Original Message-----

From: Marianne Engelman Lado [mailto:mengelmanlado@earthjustice.org]
Sent: Monday, March 07, 2016 9:37 AM
To: Covington, Jeryl <Covington.Jeryl@epa.gov>
Cc: Golightly-Howell, Velveta <Golightly-Howell.Velveta@epa.gov>; Elizabeth McLaughlin Haddix <emclaugh@email.unc.edu>; Hall, William <Hall.William@epa.gov>
Subject: EPA OCR Complaint 11R-14-R4 (ADR)

Re: EPA OCR Complaint 11R-14-R4

Dear Ms. Covington,

This email is intended to provide notice that complainants REACH, North Carolina Environmental Justice Network (NCEJN) and Waterkeeper Alliance, Inc., have come to the conclusion that Alternative Dispute Resolution in the above-mentioned case is not productive and is only serving to delay resolution of the complaint. We have also conveyed this information to the North Carolina Department of Environmental Quality, Will Hall, and the mediator, Michael Lewis.

We request that OCR initiate its investigation of the allegations that were accepted on February 20, 2015.

Please contact me at your earliest convenience to set up an interview with Dr. Steve Wing. As we have

Ex. 6 - Personal Privacy

Finally, we wanted to mention that our initial mediation session was interrupted by an effort by the National and North Carolina Pork Councils to interject themselves into the mediation process. Despite the terms of ADR, which included a requirement that mediation be confidential, and despite our clear opposition to their self-styled "motion to intervene" in the complaint and mediation process, five representatives from the Pork Council appeared without notice to Complainants at the first mediation session. Their presence and insistence at playing a role in mediation delayed the start of our session and acted as a form of intimidation of our clients. Representatives from DEQ failed to object to the behavior. Indeed, quite the opposite, they tried to persuade Complainants to consent to bringing the Pork Councils into mediation. We thought it was relevant and important to bring these events to your attention.

Sincerely,

Marianne

Marianne Engelman Lado
Senior Staff Attorney
Earthjustice
48 Wall Street, 19th Floor
New York, NY 10005

Cc: Covington, Jeryl[Covington.Jeryl@epa.gov]; Rhodes, Julia[Rhodes.Julia@epa.gov]
To: Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]; Golightly-Howell, Velveta[Golightly-Howell.Velveta@epa.gov]; Dorka, Lilian[Dorka.Lilian@epa.gov]
From: O'Lone, Mary
Sent: Wed 1/21/2015 3:09:13 PM
Subject: Re: REACH draft timeline off ramps -- for your review
REACH potential decision points 1 21 2015.docx

.....
>>>>

Velveta, Lilian, & Helena-

Elise had a few tweaks. Please review the track changes version attached. Thanks,
Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: Wooden-Aguilar, Helena
Sent: Tuesday, January 20, 2015 8:20 PM
To: O'Lone, Mary
Subject: Fwd: REACH draft timeline off ramps -- for your review
FYI.

Helena Wooden-Aguilar
Assistant Director
External Civil Rights - US EPA
202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

Begin forwarded message:

From: "Wooden-Aguilar, Helena" <Wooden-Aguilar.Helena@epa.gov>
Date: January 20, 2015 at 7:36:26 PM EST

To: "Dorka, Lilian" <Dorka.Lilian@epa.gov>, "Golightly-Howell, Velveta" <Golightly-Howell.Velveta@epa.gov>

Cc: "Covington, Jeryl" <Covington.Jeryl@epa.gov>, "Matthew, Dayna" <Matthew.Dayna@epa.gov>

Subject: Fwd: REACH draft timeline off ramps -- for your review

Velveta and Lilian

Mary has sent me the CMP for REACH. As I shared, the GC wanted key milestones and est of completion timeframes. Mary was asked to take the lead on this and attached is the doc.

OGC needs OCR's comments by tomorrow noon. I will try to review tomorrow morning.

Thanks,

Helena

Helena Wooden-Aguilar
Assistant Director
External Civil Rights - US EPA
202-564-0792 (office)
Ex. 6 - Personal Privacy
wooden-aguilar.helena@epa.gov

Begin forwarded message:

From: "O'Lone, Mary" <OLone.Mary@epa.gov>

Date: January 20, 2015 at 6:16:14 PM EST

To: "Packard, Elise" <Packard.Elise@epa.gov>, "Wooden-Aguilar, Helena" <Wooden-Aguilar.Helena@epa.gov>

Cc: "Rhodes, Julia" <Rhodes.Julia@epa.gov>

Subject: REACH draft timeline off ramps -- for your review

Elise-

Julia asked me to draft up something short to get to Avi quickly that would help in his next conversation about REACH. My understanding was that it needed to be short, have off ramps highlighted, and give a timeline.

Please let me know if you have any comments, questions, etc. & what the next step is after your review (send to Avi & Ethan?)

Helena-

I know you are on travel tomorrow, but I will need whatever OCR comments there are by midday tomorrow so we can get this to Avi. Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

To: O'Lone, Mary[olone.mary@epa.gov]
From: Dorka, Lilian
Sent: Mon 4/18/2016 6:35:52 PM
Subject: RE: Looking for assistance with NC CAFO Title VI complaint

.....
>>>>>>>
UGH! Really?

From: O'Lone, Mary
Sent: Monday, April 18, 2016 2:31 PM
To: Dorka, Lilian
Subject: Fw: Looking for assistance with NC CAFO Title VI complaint

FYI. Back & forth with OAR on the CAFO studies, etc.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: Schrock, Bill
Sent: Monday, March 28, 2016 1:22 PM
To: O'Lone, Mary
Subject: RE: Looking for assistance with NC CAFO Title VI complaint

Mary – We will try and look into the question on the methodology used to determine those impacted. No one has gotten in touch with me yet to set up a meeting-not that I'm in a big hurry, but I know you wanted to get this moving. I think next week should give us enough time to review Dr Wing's study and hopefully have to thoughts. Let me know. Thanks

We can also talk about the status of the CAFO emissions study when we talk too.

Bill Schrock
U.S. EPA
RTP, NC 27709
(919) 541-5032
(919) 541-3470 (fax)

From: O'Lone, Mary

Sent: Friday, March 25, 2016 10:19 AM

To: Schrock, Bill <Schrock.Bill@epa.gov>

Cc: Covington, Jeryl <Covington.Jeryl@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>;
Johnson, Johanna <Johnson.Johanna@epa.gov>; Dunkins, Robin <Dunkins.Robin@epa.gov>

Subject: Re: Looking for assistance with NC CAFO Title VI complaint

Bill-

Great, thanks.

Ex. 5 - Attorney Client/Deliberative

Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: Schrock, Bill

Sent: Thursday, March 24, 2016 11:40 AM

To: O'Lone, Mary

Cc: Covington, Jeryl; Farrell, Ericka; Johnson, Johahna; Dunkins, Robin
Subject: RE: Looking for assistance with NC CAFO Title VI complaint

Mary – Thanks for the note. I did not receive the previous email so I had not looked into these papers. I have reviewed Dr. Wing's paper and it speaks more to the demographics of NC and the relationship to hog farms which is not really in my wheel house. We have forwarded it over to a group here in our office that has more expertise in these types of studies for their review. Hopefully I will receive their feedback sometime next week. I'm busy thru the middle of next week with a big meeting we are having on campus here, but after that I'm pretty wide open. I'll keep you posted on the progress of our review and maybe then we can schedule a time to meet. Thanks.

Bill Schrock
U.S. EPA
RTP, NC 27709
(919) 541-5032
(919) 541-3470 (fax)

From: O'Lone, Mary
Sent: Monday, March 21, 2016 9:14 PM
To: Schrock, Bill <Schrock.Bill@epa.gov>
Cc: Covington, Jeryl <Covington.Jeryl@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>
Subject: Looking for assistance with NC CAFO Title VI complaint

Bill-

Betsy Shaw provided your name as the OAR contact (again) for the Title VI complaint OCR has on the swine waste general permit that NC DENR/DEQ issued a year or so ago. The complaint was in ADR until last week—when ADR collapsed.

I don't know if this email ever made its way to you from Helena Wooden Aguilar. I haven't been able to find it in my email yet.

In any event, now that OCR is back in investigation mode, OCR will be scheduling an interview of Dr. Wing in the near future. We would like to talk with you first about his study referenced below. We would also like to talk to you about the other study & the status of the estimating methodology, but the Dr. Wing study is the more time sensitive items. If there is anyone else you think should review it, please let us know.

Would you (or the appropriate people in OAR) be able to take a look at the study in the next week or so?

I am on travel until Friday, but Ericka Farrell in OCR will contact you to set up a time we can talk.

Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: O'Lone, Mary

Sent: Wednesday, March 25, 2015 12:37 PM

To: Wooden-Aguilar, Helena <Wooden-Aguilar.Helena@epa.gov>

Cc: Dorka, Lilian <Dorka.Lilian@epa.gov>; Matthew, Dayna <Matthew.Dayna@epa.gov>

Subject: REACH email for Bill Schrock in OAQPS asking for specific assistance

Bill-

Ex. 5 - Attorney Client/Deliberative

Ex. 5 - Attorney/Deliberative Process

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

To: O'Lone, Mary[olone.mary@epa.gov]
From: Dorka, Lilian
Sent: Mon 4/18/2016 7:00:41 PM
Subject: RE: Looking for assistance with NC CAFO Title VI complaint

.....
>>>>>>

Yes, I thought today was water so I was confused. Taking back my ugh. ☺

From: O'Lone, Mary
Sent: Monday, April 18, 2016 2:37 PM
To: Dorka, Lilian
Subject: Re: Looking for assistance with NC CAFO Title VI complaint

The meeting has been set up.

It is the one today.

If that was what your UGH was about

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: Dorka, Lilian
Sent: Monday, April 18, 2016 2:35 PM
To: O'Lone, Mary
Subject: RE: Looking for assistance with NC CAFO Title VI complaint

UGH! Really?

From: O'Lone, Mary
Sent: Monday, April 18, 2016 2:31 PM
To: Dorka, Lilian <Dorka.Lilian@epa.gov>
Subject: Fw: Looking for assistance with NC CAFO Title VI complaint

FYI. Back & forth with OAR on the CAFO studies, etc.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: Schrock, Bill
Sent: Monday, March 28, 2016 1:22 PM
To: O'Lone, Mary
Subject: RE: Looking for assistance with NC CAFO Title VI complaint

Mary – We will try and look into the question on the methodology used to determine those impacted. No one has gotten in touch with me yet to set up a meeting-not that I'm in a big hurry, but I know you wanted to get this moving. I think next week should give us enough time to review Dr Wing's study and hopefully have to thoughts. Let me know. Thanks

We can also talk about the status of the CAFO emissions study when we talk too.

Bill Schrock
U.S. EPA
RTP, NC 27709
(919) 541-5032
(919) 541-3470 (fax)

From: O'Lone, Mary
Sent: Friday, March 25, 2016 10:19 AM
To: Schrock, Bill <Schrock.Bill@epa.gov>
Cc: Covington, Jeryl <Covington.Jeryl@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>; Dunkins, Robin <Dunkins.Robin@epa.gov>
Subject: Re: Looking for assistance with NC CAFO Title VI complaint

Bill-

Great, thanks.

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: Schrock, Bill

Sent: Thursday, March 24, 2016 11:40 AM

To: O'Lone, Mary

Cc: Covington, Jeryl; Farrell, Ericka; Johnson, Johanna; Dunkins, Robin

Subject: RE: Looking for assistance with NC CAFO Title VI complaint

Mary – Thanks for the note. I did not receive the previous email so I had not looked into these papers. I have reviewed Dr. Wing's paper and it speaks more to the demographics of NC and the relationship to hog farms which is not really in my wheel house. We have forwarded it over to a group here in our office that has more expertise in these types of studies for their review. Hopefully I will receive their feedback sometime next week. I'm busy thru the middle of next week with a big meeting we are having on campus here, but after that I'm pretty wide open. I'll keep you posted on the progress of our review and maybe then we can schedule a time to meet. Thanks.

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Cc: Covington, Jeryl <Covington.Jeryl@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>;
Johnson, Johahna <Johnson.Johahna@epa.gov>

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Would you (or the appropriate people in OAR) be able to take a look at the study in the next week or so?

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Thanks, Mary

Mary O'Lone

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Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: O'Lone, Mary

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Subject: REACH email for Bill Schrock in OAQPS asking for specific assistance

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Ex. 5 - Attorney/Deliberative Process

Ex. 5 - Attorney/Deliberative Process

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

To: Johnson, Johahna[Johnson.Johahna@epa.gov]
From: O'Lone, Mary
Sent: Thur 4/21/2016 6:30:22 PM
Subject: FW: Looking for assistance with NC CAFO Title VI complaint

.....
>>>>>>

Down at the bottom is the main text, but steal whatever you like.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

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Subject: Re: Looking for assistance with NC CAFO Title VI complaint

Bill-

Great, thanks.

Ex. 5 - Attorney Client/Deliberative

Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: Schrock, Bill

Sent: Thursday, March 24, 2016 11:40 AM

To: O'Lone, Mary

Cc: Covington, Jeryl; Farrell, Ericka; Johnson, Johanna; Dunkins, Robin

Subject: RE: Looking for assistance with NC CAFO Title VI complaint

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in these types of studies for their review. Hopefully I will receive their feedback sometime next week. I'm busy thru the middle of next week with a big meeting we are having on campus here, but after that I'm pretty wide open. I'll keep you posted on the progress of our review and maybe then we can schedule a time to meet. Thanks.

Bill Schrock
U.S. EPA
RTP, NC 27709
(919) 541-5032
(919) 541-3470 (fax)

From: O'Lone, Mary
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Cc: Covington, Jeryl <Covington.Jeryl@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>
Subject: Looking for assistance with NC CAFO Title VI complaint

Bill-

Betsy Shaw provided your name as the OAR contact (again) for the Title VI complaint OCR has on the swine waste general permit that NC DENR/DEQ issued a year or so ago. The complaint was in ADR until last week—when ADR collapsed.

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Would you (or the appropriate people in OAR) be able to take a look at the study in the next week or so?

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Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: O'Lone, Mary

Sent: Wednesday, March 25, 2015 12:37 PM

To: Wooden-Aguilar, Helena <Wooden-Aguilar.Helena@epa.gov>

Cc: Dorka, Lilian <Dorka.Lilian@epa.gov>; Matthew, Dayna <Matthew.Dayna@epa.gov>

Subject: REACH email for Bill Schrock in OAQPS asking for specific assistance

Bill-

Atty Client/Deliberative

Atty Client/Deliberative

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

To: Johnson, Johahna[Johnson.Johahna@epa.gov]
From: O'Lone, Mary
Sent: Thur 4/21/2016 6:31:16 PM
Subject: FW: External Compliance Program (OCR) - Seeking Assistance
List of studies in complaint and comments.docx

.....
>>>>>

Wahoo found my list of studies.

There may still be some duplicate entries in it.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Wooden-Aguilar, Helena
Sent: Friday, April 24, 2015 9:55 AM
To: O'Lone, Mary
Subject: FW: External Compliance Program (OCR) - Seeking Assistance

FYI

From: Wooden-Aguilar, Helena
Sent: Friday, April 10, 2015 8:46 AM
To: Schrock, Bill
Cc: O'Lone, Mary; Covington, Jeryl; Ericka Farrell (farrell.ericka@epa.gov); Wooden-Aguilar, Helena
Subject: External Compliance Program (OCR) - Seeking Assistance

Bill-

I am the Assistant Director for External Compliance in OCR. The Title VI investigations are handled by my group. I know you have had some back and forth with Mary O'Lone in OGC about the Title VI complaint OCR accepted for investigation in February about the renewal of NC DENR's Swine Waste Management General Permit.

While this information is not for public consumption, I wanted to let you know that both parties

in the REACH complaint have agreed to begin the process of selecting a mediator for the ADR process. The next step is for the parties to come up with an agreed to list of qualities they'd like in the mediator (*e.g.*, familiar with CAFOs, know Title VI). Then the list is sent to EPA's contractor who then provides resumes of mediators who meet those criteria. The parties look at the resumes & agree to a few mediators to interview. After both sides interview them, hopefully they will agree on a mediator and the ADR process will start.

Agreeing to the mediator is the point at which OCR will likely send the letter to the parties saying it is putting the Title VI investigation on hold. It could take several weeks (or more) to get to that point. So, in the meanwhile, OCR will continue the investigation.

As you probably know, the Complaint attached copies of several studies, referenced but did not provide copies of more studies, and we have come across references to even more studies related to impacts from air emissions from swine feeding operations. I have attached a list of the studies. At this point, OCR would like to know which of the studies on the list related to human health or other impacts from air emissions OAR already has copies of or could easily obtain copies of.

Mary mentioned in a past email that OCR may want OAQPS's assistance with the question of whether due weight could be given to any of the studies related to impacts from air emissions. At this point, we would just like to schedule a call to get OAQPS's informal reactions and thoughts about 2 studies in particular:

Steve Wing & Jill Johnston, Dep't of Epidemiology, Univ. of N.C. at Chapel Hill, *Industrial Hog Operations in North Carolina Disproportionately Impact People of Color* (2014) attached as Exhibit 4 to the complaint, and

Yelena Ogneva-Himmelberger, Liyao Huang and Hao Xin, *CALPUFF and CAFOs: Air Pollution Modeling and Environmental Justice Analysis in the North Carolina Hog Industry*, ISPRS Int. J. Geo-Inf. 2015, 4, 150-171; doi:10.3390/ijgi4010150 (Published: 26 January 2015).

More information and/or copies of the studies are available on the REACH SharePoint site.

Also, we would like to schedule time to talk about other items of interest we have come across about air pollution estimating methodologies generally and those related to ammonia that EPA may be working on. Also, on NC DENR's Air Quality Division page, under the header Specific Industry Guidance, a 2002 document entitled [Air Emissions of Ammonia From Animal Operations-Joint NC DAQ and EPA report](#) appears. We are wondering what its status is these days as far as EPA is concerned and if you know how NC DENR employs it.

Either Mary or I will contact you to set up the call about the 2 disparate impact studies and the status of the estimating methodologies. I look forward to hearing from you about which of the other studies OAR has or can easily obtain.

Thanks so much,

Helena

Helena Wooden-Aguilar

Assistant Director

External Civil Rights – US EPA

202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

Cc: Covington, Jeryl[Covington.Jeryl@epa.gov]; Johnson, Johahna[Johnson.Johahna@epa.gov]
To: Farrell, Ericka[Farrell.Ericka@epa.gov]; Dorka, Lilian[Dorka.Lilian@epa.gov]
From: O'Lone, Mary
Sent: Wed 4/20/2016 11:56:43 AM
Subject: Fw: NC CAFO TITLE VI complaint

....
>>>>

Lilian & Ericka-

I should have ccd you on my outgoing. See John's request & my response to contact NC DEQ to get data. I think it would be a good idea to set up an internal weekly meeting to discuss REACH.

FYI for all.

Atty Client/Deliberative

Also, I got a call from the OW contact yesterday. I spent about 20 minutes explaining Title VI to him. I told him I would get him copies of studies or names of studies we were interested in OW looking at that relate to water impacts. He said he'd try to figure out who in the drinking water program might be able to help us.

But I think we need to sit down & talk about what exactly we'd want OAR, OW, & possibly ORD to do with regard to the studies. Earthjustice submitted or reference a bazillion studies.

I went through my folder from last year & found old briefing papers that lay out the theories we were thinking about & a list I compiled of studies. I will circulate some stuff later today.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: O'Lone, Mary

Sent: Wednesday, April 20, 2016 7:45 AM

To: Langstaff, John

Subject: Re: NC CAFO TITLE VI complaint

Let me check with OCR. OCR is going to send a request for information to NC DEQ soon, but I am not sure how soon. What is the info you are trying to access?

They do still have an interactive map and a spreadsheet with facility location & ownership information, but not much beyond that (i.e., I can't tell how many hogs etc.).

<https://deq.nc.gov/about/divisions/water-resources/water-resources-permits/wastewater-branch/animal-feeding-operation-permits/animal-facility-map>

I wonder in the short run, if Region 4 might have some you can use. They were supposed to have done some inspections in the past couple of years. Do you think that would be useful?

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: Langstaff, John

Sent: Tuesday, April 19, 2016 4:44 PM

To: O'Lone, Mary

Subject: NC CAFO TITLE VI complaint

Mary,

The CALPUFF/CAFOs paper by Ogneva-Himmelberger references a NC DEQ site where they downloaded animal operations data from (<http://portal.ncdenr.org/web/wq/animal-facility-map>). This site does not seem to be

available and I can't find a way to download these data.

Is it OK for me to call NC DEQ and ask for these data, or is this not appropriate due to ongoing negotiations? I was thinking I could take a look at the 2-km vs 3-km issue directly. Also, I did find some other references that address this to some extent, which I will summarize.

Thanks, John

John E. Langstaff
Office of Air Quality Planning and Standards
U.S. Environmental Protection Agency (C539-07)
Research Triangle Park, NC 27711
Phone (919) 541-1449 | Fax (919) 541-5315

To: O'Lone, Mary[olone.mary@epa.gov]
Cc: Covington, Jeryl[Covington.Jeryl@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov]; Johnson, Johahna[Johnson.Johahna@epa.gov]; Dunkins, Robin[Dunkins.Robin@epa.gov]
From: Schrock, Bill
Sent: Thur 3/24/2016 3:40:22 PM
Subject: RE: Looking for assistance with NC CAFO Title VI complaint

.....
>>>>>>

Mary – Thanks for the note. I did not receive the previous email so I had not looked into these papers. I have reviewed Dr. Wing's paper and it speaks more to the demographics of NC and the relationship to hog farms which is not really in my wheel house. We have forwarded it over to a group here in our office that has more expertise in these types of studies for their review. Hopefully I will receive their feedback sometime next week. I'm busy thru the middle of next week with a big meeting we are having on campus here, but after that I'm pretty wide open. I'll keep you posted on the progress of our review and maybe then we can schedule a time to meet. Thanks.

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RTP, NC 27709
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From: O'Lone, Mary
Sent: Monday, March 21, 2016 9:14 PM
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Cc: Covington, Jeryl ; Farrell, Ericka ; Johnson, Johahna
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Bill-

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Ex. 5 Atty Client/Deliberative

Ex. 5 Atty Client/Deliberative

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To: Schrock, Bill[Schrock.Bill@epa.gov]
From: O'Lone, Mary
Sent: Fri 3/25/2016 2:19:19 PM
Subject: Re: Looking for assistance with NC CAFO Title VI complaint

.....
>>>>>>
Bill-

Great, thanks.

Ex. 5 - Attorney/Deliberative Process

Thanks, Mary

Mary O'Lone

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Office of General Counsel

US EPA

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Washington, DC 20460

(202) 564-4992

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Sent: Thursday, March 24, 2016 11:40 AM

To: O'Lone, Mary

Cc: Covington, Jeryl; Farrell, Ericka; Johnson, Johahna; Dunkins, Robin

Subject: RE: Looking for assistance with NC CAFO Title VI complaint

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RTP, NC 27709

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Cc: Covington, Jeryl ; Farrell, Ericka ; Johnson, Johahna

Subject: Looking for assistance with NC CAFO Title VI complaint

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Cc: Dorka, Lilian <Dorka.Lilian@epa.gov>; Matthew, Dayna
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Subject: REACH email for Bill Schrock in OAQPS asking for specific assistance

Bill-

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Ex. 5 - Attorney Client/ Deliberative

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

To: Shenkman, Ethan[Shenkman.Ethan@epa.gov]; Prabhu, Aditi[Prabhu.Aditi@epa.gov]
Cc: O'Lone, Mary[OLone.Mary@epa.gov]; Packard, Elise[Packard.Elise@epa.gov]
From: Rhodes, Julia
Sent: Thur 10/27/2016 5:10:17 PM
Subject: FW: REACH - draft email following up on Oct. 17th meeting
Potential Remedies Submitted by Complainants.docx

Hi Ethan,

Lilian wanted you to review this communication to ensure that she is not asking for something that the programs and region said they wouldn't do. She feels that you captured the essence of the follow up actions, so did not want to send anything without your concurrence.

She understands that Elise and I have approved of the contents of the draft email below. However, she values your input and wants you to weigh in.

Thanks,

Julia

Julia Rhodes

Assistant General Counsel for the Civil Rights Practice Group

Civil Rights and Finance Law Office

Office of General Counsel

Environmental Protection Agency

1200 Pennsylvania Avenue, NW, 2399A

Washington, DC 20460

Phone: 202.564.1417

From: O'Lone, Mary

Sent: Monday, October 24, 2016 5:26 PM

To: Dorka, Lilian <Dorka.Lilian@epa.gov>

Cc: Isales, Daniel <Isales.Daniel@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>;

Covington, Jeryl <Covington.Jeryl@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>;

Packard, Elise <Packard.Elise@epa.gov>

Subject: REACH - draft email following up on Oct. 17th meeting

Lilian –Here is a draft of the follow-up email from our Oct. 17th meeting. The list of remedies sent by complainants referenced in the email is attached. Thanks, Mary

Ex. 5 - Attorney Client/ Deliberative

Ex. 5 - Attorney Client/ Deliberative

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

To: O'Lone, Mary[OLone.Mary@epa.gov]
From: Carleton, Ron
Sent: Thur 10/13/2016 5:08:47 PM
Subject: RE: Meeting on Monday regarding Title VI complaints & NC CAFOs

Mary, thanks for the materials. See you Monday.

Ron P. Carleton

Counselor to the Administrator for Agricultural Policy

Environmental Protection Agency

Carleton.ron@epa.gov

202-564-1274

From: O'Lone, Mary
Sent: Thursday, October 13, 2016 12:53 PM
To: Carleton, Ron <Carleton.Ron@epa.gov>
Cc: Dorka, Lilian <Dorka.Lilian@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: Meeting on Monday regarding Title VI complaints & NC CAFOs

Ron-

I thought we'd updated you before this on the status of the discrimination complaint Earthjustice filed under Title VI of the Civil Rights Act of 1964 about NC swine CAFO waste permit programs. But I can't find a more recent email.

In March of this year, the ADR process discussed below fell apart & OCR reinitiated its complaint investigation. On Monday, October 17th there is a meeting that will include a discussion of OCR's path forward and n.OCR is having a meeting to discuss its path forward

Ex. 5 - Attorney Client/ Deliberative

I will forward the invitation to you shortly. I have attached the briefing materials.

Let me know if you have any questions. But please note that I am in until about 2 today, then out until Monday morning. Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Carleton, Ron

Sent: Tuesday, March 03, 2015 4:58 PM

To: O'Lone, Mary <OLone.Mary@epa.gov>

Cc: Wooden-Aguilar, Helena <Wooden-Aguilar.Helena@epa.gov>

Subject: Re: REACH

Thanks for the update!

Ron Carleton

Counselor to the Administrator for Agricultural Policy

Sent from my iPhone

On Mar 3, 2015, at 3:04 PM, O'Lone, Mary <OLone.Mary@epa.gov> wrote:

Ron-

Avi wanted to make sure you were kept in the loop and I know OCR tried to hook you into a meeting this morning to give you this heads up. Yesterday OCR spoke with Earthjustice

who said they were not interested in OCR pursuing the enforcement allegation. OCR is drafting letters to Earthjustice & NC DENR memorializing this. Once they are issued, they will be put up on the REACH SharePoint site (I just sent you a link to access the site).

By way of other developments, I think I mentioned in that both NC DENR & Earthjustice expressed interest in ADR. Will Hall of ADRLO will be briefing NC DENR on the ADR process tomorrow morning. Should NC DENR agree to ADR, then a similar briefing will be set up for the complainants.

Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: O'Lone, Mary
Sent: Monday, February 23, 2015 12:09 PM
To: Carleton, Ron
Cc: Wooden-Aguilar, Helena
Subject: Re: REACH

Ron-

Sorry, I had too many If & whens in there. Just so it is clear . . .

Both NC DENR & Earthjustice have been asked informally if they are interested in ADR. Both have to confer internally/with clients before providing a response.

If they both responded that they did want to try, then OCR would work with ADRLO to get the process up and running. OCR would pay for it, but not participate. The ADR would be between NC DENR & the Complainants. When they both sign on formally to ADR, then OCR will put the investigation on hold. Until that time, OCR will continue to move forward.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: O'Lone, Mary

Sent: Monday, February 23, 2015 9:53 AM

To: Carleton, Ron; Dorka, Lilian

Cc: Golightly-Howell, Velveta; Wooden-Aguilar, Helena; Matthew, Dayna

Subject: Re: REACH

Ron-

In addition, as things moved quickly on Friday, we wanted to let you know that both NC DENR & Earthjustice have already been approached informally by EPA about ADR. NC DENR expressed initial interest, but will get back to EPA early next week. If and when, Earthjustice said they will have to confer with their clients and will try to let us know by Wednesday (2/25) if their clients are interested.

If and when both sign on formally to ADR, then OCR will put the investigation on hold. Until that time, OCR will continue to move forward.

Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: Carleton, Ron
Sent: Monday, February 23, 2015 8:21 AM
To: Dorka, Lilian
Cc: Golightly-Howell, Velveta; Wooden-Aguilar, Helena; O'Lone, Mary
Subject: RE: REACH

Excellent. I look forward to working with you.

Ron

From: Dorka, Lilian
Sent: Friday, February 20, 2015 6:35 PM
To: Carleton, Ron
Cc: Golightly-Howell, Velveta; Wooden-Aguilar, Helena; O'Lone, Mary
Subject: Fwd: REACH

From: "Golightly-Howell, Velveta" <Golightly-Howell.Velveta@epa.gov>
To: "carlton.ron@epa.gov" <carlton.ron@epa.gov>

Cc: "KeyesFleming, Gwendolyn" <KeyesFleming.Gwendolyn@epa.gov>, "Reeder, John" <Reeder.John@epa.gov>, "Dorka, Lilian" <Dorka.Lilian@epa.gov>, "Wooden-Aguilar, Helena" <Wooden-Aguilar.Helena@epa.gov>, "Matthew, Dayna" <Matthew.Dayna@epa.gov>, "Packard, Elise" <Packard.Elise@epa.gov>, "Rhodes, Julia" <Rhodes.Julia@epa.gov>, "O'Lone, Mary" <OLone.Mary@epa.gov>, "Colaizzi, Jennifer C." <Colaizzi.Jennifer@epa.gov>

Subject: REACH

Hi Ron. We have not had the pleasure of meeting yet and I look forward to doing so soon. I'm writing to let you know that today my office issued the attached letters accepting for investigation one allegation and requesting clarification on another made in the Title VI complaint filed in September 2014 by Earthjustice regarding alleged discrimination related to swine feeding operations in North Carolina. Specifically, OCR will investigate whether:

* North Carolina DENR's regulation of swine feeding operations discriminates against African Americans, Latinos, and Native Americans on the basis of race and national origin in neighboring communities and violates Title VI and EPA's implementing regulations.

OCR would like to be able to tap into existing EPA expertise with CAFO issues. The investigation is on a tight timeframe, and we are looking for those in EPA who have the background and experience to assist us as we navigate what we anticipate will be controversial and potentially high-profile issues. In the near future, Helena Wooden-Aguilar of my staff or Mary O'Lone of OGC will contact you to schedule some time to discuss this complaint and some of the issues it raises.

On the off chance that a reporter makes their way to you, please refer any press inquiries directly to Jennifer Colaizzi in OPA (202-564-7776). Jennifer is prepared to field all inquiries about this case. We look forward to working with you.

Velveta Golightly-Howell
Director, Office of Civil Rights
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Mail Code 1201A
Washington, DC 20460
202-564-6685

To: O'Lone, Mary[OLone.Mary@epa.gov]
From: Kreisler, Eva
Sent: Tue 10/11/2016 10:35:36 AM
Subject: Thursday call on REACH

Hi Mary,

Is the meeting definitely taking place on Thursday or will it be postponed? Could you please keep me posted or ask that I be added to the meeting invite - that way I can also get the materials that get distributed?

And if you scroll below you will see that Larry has asked for OECA and Regional Water enforcement staff to be on the call..

Eva H. Kreisler, Senior Attorney
International Compliance Assurance Division
U.S. EPA (2254A)
Office (202) 564-8186
Fax (202) 564-0073
kreisler.eva@epa.gov

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From: Starfield, Lawrence
Sent: Sunday, October 09, 2016 10:59 AM
To: Kreisler, Eva <Kreisler.Eva@epa.gov>
Subject: FW: OGC needs OECA's assistance with CAFO options for Title VI Case Involving NCDEQ and Swine Feeding Operations - short turnaround, my apologies

Eva,

I have a conflict, and will only be able to listen in to the first 30 minutes of Thursday morning's meeting with OGC. Will you be able to attend it?

Larry

From: Starfield, Lawrence
Sent: Sunday, October 09, 2016 11:00 AM
To: Kreisler, Eva <Kreisler.Eva@epa.gov>; Gordon, Scott <Gordon.Scott@epa.gov>; Wilkes, Mary <Wilkes.Mary@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>
Cc: Shinkman, Susan <Shinkman.Susan@epa.gov>; Kelley, Rosemarie

<Kelley.Rosemarie@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>

Subject: RE: OGC needs OECAs assistance with CAFO options for Title VI Case Involving NCDEQ and Swine Feeding Operations - short turnaround, my apologies

I think many of us have had the same reaction to the OGC options paper --

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process Avi Garbow has scheduled a meeting this Thursday at 9 am to discuss all options for addressing the situation:

-----Original Appointment-----

From: Garbow, Avi

Sent: Friday, September 30, 2016 9:19 AM

To: Garbow, Avi; Fritz, Matthew; Pieh, Lusen; Dorka, Lilian; Isales, Daniel; Shaw, Betsy; Shapiro, Mike; Starfield, Lawrence; Lapierre, Kenneth; Packard, Elise; Shenkman, Ethan; Rhodes, Julia; O'Lone, Mary; Breen, Barry

Cc: Heard, Anne; Wilkes, Mary; Tommelleo, Nancy; HALIM-CHESTNUT, NAIMA; McTeerToney, Heather; Jenkins, Brandi; Jones-Johnson, Shea; Giattina, James; Gordon, Scott

Subject: Developing Next Steps in the Title VI REACH CAFOs Case (Call in number: **Ex. 6 - Personal Privacy**)

Ex. 6 - Personal Privacy

When: Thursday, October 13, 2016 9:00 AM-10:00 AM (UTC-05:00) Eastern Time (US & Canada)
Where: 4045

It would be helpful to have a Regional and HQ water enforcement expert on the call to discuss the concerns with using enforcement authorities in this case, and to help brainstorm other possible options. If you have thoughts in advance of the call on what options might be appropriate -- enforcement or otherwise -- please share them with OGC (cc: Eva Kreisler) as soon as possible.

Thanks.

Larry

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-----Original Message-----

From: Kreisler, Eva

Sent: Thursday, October 06, 2016 9:26 AM

To: Gordon, Scott <Gordon.Scott@epa.gov>; Wilkes, Mary <Wilkes.Mary@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>

Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Shinkman, Susan <Shinkman.Susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>

Subject: OGC needs OECAs assistance with CAFO options for Title VI Case Involving NCDEQ and Swine Feeding Operations - short turnaround, my apologies

Good morning Joe, Scott, Mary,

OGC has asked for assistance from OECAs CAFO experts in looking at a series of options it has drafted to

Ex. 5 - Attorney Client/ Deliberative

have attached their write-up for your review.

Although I just received the document this morning, OGC must receive your comments by midday tomorrow. I (and OGC) apologize for the short turn around but OGC is getting ready for a OneEPA discussion of this case next week and they need OECAs input on what path(s) forward can/should be proposed. OGC also welcomes any other ideas you may have on improving conditions at these operations that could be part of our discussions next week.

Mary O'Lone has asked that you send your comments directly to her. You can send them individually if it is easier than doing a coordinated response in such a short time. Please cc me on your responses as well.

Thank you in advance,

Eva H. Kreisler, Senior Attorney
International Compliance Assurance Division U.S. EPA (2254A) Office (202) 564-8186
Fax (202) 564-0073
kreisler.eva@epa.gov

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To: O'Lone, Mary[OLone.Mary@epa.gov]
From: Breedlove, Dan
Sent: Thur 10/6/2016 11:04:59 PM
Subject: RE: REACH - per our conversation
OPTIONS FOR OTHER EPA ACTIONS TO HELP ADDRESS IMPACTS.docx

Hope this helps. Did not have time to provide much more and still meet your deadline. Give me a call if you need anything else.

Dan Breedlove

Water Branch Chief

Office of Regional Counsel

EPA Region 7

11201 Renner Boulevard

Lenexa, Kansas 66219

(913) 551-7172

(913) 551-7925 (fax)

From: O'Lone, Mary
Sent: Tuesday, October 04, 2016 5:14 PM
To: Breedlove, Dan <Breedlove.Dan@epa.gov>
Subject: REACH - per our conversation

Dan-

OGC attys have helped me write most of the sections you see there, so you don't have to review them. If you could look at the first option about the NPDES petition process again & help me with some sort of sentence at the end about what changes have been made & what they've resulted in that would be great.

And then down under Other Options you will see it is basically my notes from the last call that

Simma organized. Any help making them coherent & any additional ideas you have that I have missed would be appreciated. I have been told to put everything we can think of on the table & then there will be a meeting probably next week to discuss the various options. So the sooner you get me comments the better, but if you can by COB Thursday would be great. I will let you know if they shorten the deadline.

Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

To: Kreisler, Eva[Kreisler.Eva@epa.gov]
From: O'Lone, Mary
Sent: Wed 10/12/2016 8:13:09 PM
Subject: RE: Thursday call on REACH

Both Larry & Shari got the notice of the change. I don't know if they accepted it or not. I can't tell that from the calendar thing since I didn't originate it.

I think the materials may be going out today. They will go to everyone on the invite list.

Mary O'Lone
Civil Rights and Finance Law Office
Office of General Counsel
US EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4992

From: Kreisler, Eva
Sent: Wednesday, October 12, 2016 4:08 PM
To: O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: Thursday call on REACH

Hi Mary,

I am Ex. 6 - Personal Privacy but logged on quickly to check on something else and saw your email....has Larry been alerted to the change in the meeting time/date? He has not alerted anyone to the change. Also, when you alert him please also let Shari Wilson know as she was going to attend for him tomorrow...they should hopefully let everyone else from OECA who was planning to attend of the new time/date.

I can't attend on Monday, there is another Holiday for which I will be off. Please keep me posted on any further changes and send me the necessary documents so I can distribute them this week. Thanks.

Eva H. Kreisler, Senior Attorney
International Compliance Assurance Division
U.S. EPA (2254A)
Office (202) 564-8186
Fax (202) 564-0073
kreisler.eva@epa.gov

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From: O'Lone, Mary
Sent: Tuesday, October 11, 2016 5:08 PM
To: Kreisler, Eva <Kreisler.Eva@epa.gov>
Subject: RE: Thursday call on REACH

It has been moved a couple of times today. Now it is at 4:30 on Monday the 17th.

Mary O'Lone
Civil Rights and Finance Law Office
Office of General Counsel
US EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4992

From: Kreisler, Eva
Sent: Tuesday, October 11, 2016 6:36 AM
To: O'Lone, Mary <OLone.Mary@epa.gov>
Subject: Thursday call on REACH

Hi Mary,

Is the meeting definitely taking place on Thursday or will it be postponed? Could you please keep me posted or ask that I be added to the meeting invite - that way I can also get the materials that get distributed?

And if you scroll below you will see that Larry has asked for OECA and Regional Water enforcement staff to be on the call..

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From: Starfield, Lawrence
Sent: Sunday, October 09, 2016 10:59 AM
To: Kreisler, Eva <Kreisler.Eva@epa.gov>
Subject: FW: OGC needs OECAs assistance with CAFO options for Title VI Case Involving NCDEQ and Swine Feeding Operations - short turnaround, my apologies

Eva,

I have a conflict, and will only be able to listen in to the first 30 minutes of Thursday morning's meeting with OGC. Will you be able to attend it?

Larry

From: Starfield, Lawrence
Sent: Sunday, October 09, 2016 11:00 AM
To: Kreisler, Eva <Kreisler.Eva@epa.gov>; Gordon, Scott <Gordon.Scott@epa.gov>; Wilkes, Mary <Wilkes.Mary@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>
Cc: Shinkman, Susan <Shinkman.Susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: RE: OGC needs OECAs assistance with CAFO options for Title VI Case Involving NCDEQ and Swine Feeding Operations - short turnaround, my apologies

I think many of us have had the same reaction to the OGC options paper - **Ex. 5 - Deliberative Process** the appropriate tool here. Avi Garbow has scheduled a meeting this Thursday at 9 am to discuss all options for addressing the situation:

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Sent: Friday, September 30, 2016 9:19 AM
To: Garbow, Avi; Fritz, Matthew; Pieh, Lusen; Dorka, Lilian; Isales, Daniel; Shaw, Betsy; Shapiro, Mike; Starfield, Lawrence; Lapierre, Kenneth; Packard, Elise; Shenkman, Ethan; Rhodes, Julia; O'Lone, Mary; Breen, Barry
Cc: Heard, Anne; Wilkes, Mary; Tommelleo, Nancy; HALIM-CHESTNUT, NAIMA; McTeerToney, Heather; Jenkins, Brandi; Jones-Johnson, Shea; Giattina, James; Gordon, Scott
Subject: Developing Next Steps in the Title VI REACH CAFOs Case (Call in number: **Ex. 6 - Personal Privacy**)

Ex. 6 - Personal Privacy
When: Thursday, October 13, 2016 9:00 AM-10:00 AM (UTC-05:00) Eastern Time (US & Canada).
Where: 4045

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otherwise -- please share them with OGC (cc: Eva Kreisler) as soon as possible.

Thanks.

Larry

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Sent: Thursday, October 06, 2016 9:26 AM

To: Gordon, Scott <Gordon.Scott@epa.gov>; Wilkes, Mary <Wilkes.Mary@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>

Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Shinkman, Susan <Shinkman.Susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>

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Ex. 5 - Atty Client Deliberative Process

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Mary O'Lone has asked that you send your comments directly to her. You can send them individually if it is easier than doing a coordinated response in such a short time. Please cc me on your responses as well.

Thank you in advance,

Eva H. Kreisler, Senior Attorney

International Compliance Assurance Division U.S. EPA (2254A) Office (202) 564-8186

Fax (202) 564-0073

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To: Kreisler, Eva[Kreisler.Eva@epa.gov]
From: O'Lone, Mary
Sent: Tue 10/11/2016 9:07:32 PM
Subject: RE: Thursday call on REACH

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Mary O'Lone
Civil Rights and Finance Law Office
Office of General Counsel
US EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4992

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Subject: Developing Next Steps in the Title VI REACH CAFOs Case (Call in number: **Ex. 6 - Personal Privacy**)

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